

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
v. : **No. 2:04-MJ-522**
LARKEN ROSE, : (Jacob P. Hart, U.S.M.J.)
Defendant. : : (related to 2:05-CR-101,
: Michael M. Baylson, J.)
: **FILED ELECTRONICALLY**

DEFENDANT'S MOTION FOR VOLUNTARY DISMISSAL
OF MOTION TO RETURN PROPERTY

The defendant, Larken Rose ("Movant"), moves with the consent of the United States for voluntary dismissal of his Motion to Return Property, on the ground of mootness. In support of his motion, he states:

1. On February 15, 2008, Movant filed a motion for return of property, seeking an order directing the FBI to retrieve from local authorities and return to Movant property taken by the FBI from Movant's home at this Court's direction, and then entrusted to those local authorities by the FBI on the FBI's own initiative. The property was neither seized by the local authorities nor held by them at this Court's direction.

2. By endorsement dated March 3, 2008, the Court granted the United States an extension of time until March 23, 2008, to respond to the motion, in light of the government's representation that it was attempting an informal resolution.

3. On March 14, 2008, the government returned to the defendant all of the property which was the subject of his pending motion.

WHEREFORE, the defendant prays that this Court mark the motion voluntarily dismissed as moot.

Dated: March 18, 2008

Respectfully submitted,

**SO ORDERED, this
____ day of March, 2008,
BY THE COURT:**

By: *s/Peter Goldberger*
PETER GOLDBERGER
PA Atty. No. 22364
50 Rittenhouse Place
Ardmore, PA 19003

_____, J.

(610) 649-8200
fax: (610) 649-8362
e-mail: peter.goldberger@verizon.net
Attorney for Deft. Larken Rose

CERTIFICATE OF SERVICE

On March 18, 2008, I served a copy of the foregoing document on counsel for the United States by copy of electronic filing, addressed to:

Floyd J. Miller, Esq.
Assistant U.S. Attorney
615 Chestnut St., Suite 1250
Philadelphia, PA 19106

s/Peter Goldberger _____